

2016 Transportation-Related Legislation

Appropriations Act Provisions (House Bill 1030)

Section 35.1 continues ferry tolling on currently tolled routes and, except for the new Hatteras-Ocracoke passenger route, prohibits future tolling of currently untolled routes. In addition, this section establishes recurring funding for vessel replacements and funds the initiation of the Hatteras-Ocracoke passenger service. Lastly, this section authorizes the Ferry Division to charge \$150 for priority boarding for vehicles providing commercial goods and services. This is a modified version of what was included in House Bill 1002, which was recommended by the Select Committee.

Section 35.2 sets out the cash flow estimates for fiscal year 2017-18 through fiscal year 2020-21.

Section 35.3 shifts revenue from the \$0.50 fee on vehicle titling and other DMV transactions dedicated to the Mercury Switch Removal Account to the Highway Trust Fund.

Section 35.4 increases the amount of funds that may be expended to purchase historical markers from \$40,000 to \$60,000 annually.

Section 35.5 increases the amount that a project can be let after advertising from \$2.5 million to \$5 million. In addition, this section requires DOT to report to the House and Senate Appropriation Committees on the impact to small businesses.

Section 35.6 increases the transparency of the DOT bidding process and provides for uniform timeframes across DOT divisions to post bids, publish bid results, and disclose bid cost estimates.

Section 35.7 adjusts unpaved roads funding program by directing DOT to expend 50% of the funds equally across the 14 Highway Divisions for the paving of unpaved secondary roads within the respective Division based on the prioritized scores within the Division. The remaining 50% will continue to be awarded based on the Statewide prioritization program. This is the same language included in House Bill 963, which was recommended by the Select Committee.

Section 35.8 authorizes DOT to spend up to \$10 million in nonrecurring funds from the General Maintenance Reserve account for litter removal.

Section 35.9 requires DOT, DPS, and Commerce, in consultation with the North Carolina Trucking Association, to study ways to provide additional off-highway parking to tractor-trailers and semi-trailers.

Section 35.11 requires DOT to report on how it will measure the amount of preconstruction activities outsourced once these functions are consolidated into construction projects led by the 14 Highway Divisions.

Section 35.12 removes a \$500,000 cap on State expenditures for STI-eligible light rail projects, requires previously submitted light rail projects to be resubmitted under the next round of prioritization (Prioritization 5.0), and sets maximum State funding for light rail and commuter rail transit projects at

10% of the total project cost. This is a modified version of what was included in House Bill 988, which was recommended by the Select Committee.

Section 35.13 eliminates the December 31, 2017, repeal date of the late fee for motor vehicle registrations.

Section 35.15 converts 45 positions from time-limited to permanent status. These employees support the combined motor vehicle registration and property tax collection system, and may provide other support as determined necessary by the Commissioner of the DMV.

Section 35.16 authorizes DMV to issue permanent registration plates for public transportation services that are recipients of the Federal Transit Administration's formula grant funds.

Section 35.18 authorizes the disposal or revitalization of the rail-banked corridor between Andrews and Murphy, North Carolina, according to certain determinations and financial participation.

Section 35.19 restores the amount of funding for the Small Construction Fund at \$2.5 million and changes the funding to recurring.

Section 35.20 modifies the DMV Medical Review Program to allow for license issuance in advance of the submission of a signed certificate of physical examination by a health care provider, stay a restriction upon receipt of a hearing request if DMV concludes that continuance of unrestricted driving doesn't constitute a threat to public safety, and makes conforming changes.

Section 35.21 authorizes grant funding for projects on short-line railroad corridors without active freight rail service and clarifies that State-funded improvements to rail lines and corridors may span bordering State boundaries to connect to the national system.

Section 35.22 requires DOT to enact its Restructuring Plan as scheduled.

Section 35.23 allows DOT the option of using a chip seal with a fog seal top coat in lieu of resurfacing on subdivision streets.

Section 35.24 consolidates the Primary Maintenance Account, the Secondary Maintenance Account, and the Reserve for General Maintenance into one fund.

Section 35.25 directs DMV to procure an information technology system for its Crash Reporting Program by October 31, 2016, and requires reporting from the DMV in subsequent years on the implementation and resulting impacts.

Section 35.26 consolidates responsibility and oversight over all stages of a construction project under the Chief Engineer, and directs the Chief Engineer to develop and implement a policy for delegating certain authority to the 14 Highway Division Engineers.

Section 35.27 authorizes the Ports Authority to spend \$7.5 million in nonrecurring, existing funds for the dredging of approaches to State ports facilities.

Section 35.28 authorizes DOT to designate a portion of I-40 as the "Senator Wendell Holmes Murphy Sr., Freeway."

House Bill 959

PART I. DIVISION OF HIGHWAYS

Small Transportation Projects/Local Consultation

Section 1 changes the requirement that DOT consult with local governments affected by a DOT project before taking action, to make it apply to projects over \$250,000 (was projects over \$150,000).

Broadband and Fiber Optic in DOT Right-of-Way/Fees

Section 2 authorizes DOT to also allow placement of non-utility owned or operated communications or data transmission infrastructure on DOT right-of-way (ROW). This section also clarifies that no agreement for use of Department ROW shall abrogate the Department's ownership and control of the ROW, and clarifies that DOT can use existing ROW for placement of utilities. The section also directs DOT to study the issue of administrative fees for encroachments, and report to the Joint Legislative Transportation Oversight Committee by December 1, 2016.

Weight Limits Applicable to Metal Commodities and Steel Coils, and Extending Certain Federal Weight Exemptions to the State's Highways

Section 2.1. This section makes the following changes:

- Section 2.1(a) authorizes a higher weight limit for vehicles transporting metal commodities: up to 22,000 lbs. single axle and 42,000 lbs. tandem axle; maximum gross weight 90,000 lbs.
- Section 2.1(a) also extends additional federal weight allowances for natural gas powered vehicles, emergency vehicles, heavy duty towing vehicles, and vehicles with idle reduction technology, currently applicable only to interstate highways in the State, to all State roads, except for posted bridges or roads, or unless specifically prohibited by NCDOT.
- Section 2.1(b) authorizes DOT to issue an overweight or overwidth permit for the transport of up to three steel coils on one truck.

This section becomes effective October 1, 2016.

Delay Sunset for Six Months on DOT Partnerships with Private Developers

Section 2.3 delays for six months the sunset of G.S. 136-28.6A, first enacted in 2009. This law authorizes DOT to participate, in limited circumstances, in private developer contracts for State highway system engineering, design, or construction of improvements. The Department's participation under this law is limited to the lesser of ten percent (10%) of the contract, or \$250,000. DOT is required to annually report, not later than March 1, to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Transportation Oversight Committee on all agreements entered into between the Department and a private developer for participation in private engineering and construction contracts under this section. The authorization provided by this section now expires July 1, 2017.

PART II. NORTH CAROLINA TURNPIKE AUTHORITY

Allow Electronic Billing for Tolls

Section 3 authorizes the Turnpike Authority to send bills for tolls via electronic mail, rather than by first-class mail, if the registered owner or person who had custody of the vehicle consents in writing.

Turnpike Authority Report on One-Time Facility User Fees

Section 3.1 requires the Authority to report to the Joint Legislative Transportation Oversight Committee the number of one-time toll facility users who are charged more than \$50 in penalties and fees.

Repeal NCTA Semiannual Reports to JLTOC

Section 4 repealed a requirement that the Turnpike Authority submit semi-annual reports, and more frequent reports if requested, on its activities to the Joint Legislative Transportation Oversight Committee. The Authority is still required by statute to submit annual reports on its activities to the General Assembly.

PART III. DIVISION OF BICYCLE AND PEDESTRIAN TRANSPORTATION

Repeal requirement to Maintain Off-Road Cycling Records

Section 5 repealed a requirement that notice of State land restricted or removed from use by bicyclists be filed with the Division of Bicycle and Pedestrian Transportation of the Department of Transportation. Also, this section repealed the requirement that the Division keep records of State lands open and available for use by bicyclists.

Bicycle must have red rear light or operator must wear reflective vest when operated at night

Section 5.1 requires a red rear light on a bicycle, or for the operator to wear reflective vest or clothing visible from a distance of at least 300 feet from the rear of a bicycle, when operated at night.

Bicycle safety law revisions

Section 5.5 authorizes passing of a slower moving bicycle or moped, even where passing is otherwise prohibited, if the other requirements of these sections are met. The section also increases the penalties for unsafe traffic movements that cause injury to bicycles, and clarifies the required hand signals for turning and stopping.

This section becomes effective October 1, 2016, and applies to offenses occurring on or after that date.

PART IV. DIVISION OF MOTOR VEHICLES

Commercial Driver's License Changes

Section 6 amended the State commercial driver's license laws to conform with federal requirements as follows:

- Deleted a provision allowing the Division of Motor Vehicles to issue a restricted instruction permit to an applicant for certification as a school bus driver.
- Made commercial learner's permits valid for 180 days with no limit on renewal. Currently, permits are valid for 6 months but are limited to one renewal in a two-year period.
- Increased commercial driver's license disqualification periods for convictions of violating out-of-service orders, and require violations to be committed in a commercial motor vehicle.
- Established statutory authority for the Division to issue intrastate medical waivers to individuals not able to meet federal medical qualification standards for commercial driver's license holders.

This section becomes effective January 1, 2017, and applies to offenses committed on or after that date.

Extend Registration Period for Certain Plates

Section 7 provides that the registration of a motor vehicle renewed by means of a renewal sticker expires at midnight on the last day of the month designated on the sticker. This section provides that the registration of a motor vehicle renewed by means other than a renewal sticker (typically a new registration plate) expires at midnight on February 15 of each year. This section becomes effective October 1, 2016 and applies to registration renewals on or after that date.

Temporary Driving Certificate Use/Uniformity

Section 8 sets the period of validity for all temporary driving certificates at 60 days and allows a certificate to be used for identification purposes when conducting business with the DMV. This section becomes effective January 1, 2017.

DMV Driver's License Testing Requirements/Remote Renewal

Section 9 eliminates the current statutory requirement for sign and symbol and vision testing when a person is renewing a driver's license remotely via the internet or at a DMV kiosk. Sign and symbol testing will still be required for initial issuance of a drivers' license, and vision testing will be done for required in-person, in-office renewal. This section becomes effective October 1, 2016.

DMV/Electronic Notice

Section 10 makes changes to DMV email vehicle registration renewal notices. This section (i) specifies that a person who has provided an e-mail address to DMV shall notify the Division of any change or discontinuance of that e-mail address within 30 days after the change or discontinuance; (ii) clarifies current law limiting disclosure of personal information in DMV motor vehicle records to provide that e-mail addresses provided to DMV are personal information; and (iii) provides that instead of providing notice by personal delivery or United States mail, DMV may give notice for *any* DMV business by e-mail, if the person to be notified has consented to receiving notices via electronic means, and has provided the Division an e-mail address for receiving the notices. This section becomes effective October 1, 2016.

DMV to provide option for joint tenancy with right of survivorship on application for registration and certificate of title

Section 10.5 requires DMV to place a pre-printed "joint tenancy with right of survivorship" option on its application for a motor vehicle title form, in order to allow vehicles to pass to the surviving owner outside of probate.

DMV/Inspection of Pre-1981 Motor Vehicles/Titling

Section 11 changed the requirement for DMV to inspect out-of-state vehicles prior to issuing an initial NC title for the vehicle, to include only vehicles from the 1980 model year or older. This section becomes effective January 1, 2017.

Repeal Signature Requirement/Registration Card

Section 12 repealed the requirement that the owner of a registered motor vehicle must sign their vehicle registration card with pen and ink upon receipt. This section becomes effective December 1, 2016, and applies to registration cards issued on or after that date.

Revise Definition of "Autocycle"

Section 12.5 amended the definition of an autocycle to include vehicles without an airbag, and with partially enclosed seating within the definition.

Moped Insurance Changes

Section 12.6 authorizes moped liability insurers to cede moped liability insurance coverage to the NC Reinsurance Facility.

Amend Moped Definition

Section 13 established a definition for "electric assisted bicycles", and exempted them from the definition of motor vehicles. In addition, this section moved the definition of "moped" to Chapter 20 of the General Statutes, clarified that the definition includes mopeds powered by electricity or alternative fuel, but not motor-driven bicycles or electric assisted bicycles. This section also made several conforming changes to related statutes.

This section becomes effective December 1, 2016, and applies to offenses committed on or after that date.

Allow dealer plates for employees of independent dealers and family members

Section 13.5 authorizes use of dealer plates by employees of independent dealers, and by immediate family members of independent dealers and their employees.

Law enforcement to provide accident report to insurer

Section 13.8 authorizes law enforcement to provide an uncertified copy of an accident report to an insurance agent or driver upon being provided with evidence that a certified copy of the accident report has been requested from the DMV and the applicable fee has been paid.

PART V. UNMANNED AIRCRAFT SYSTEM TECHNICAL CHANGE

Section 14.5 changed the authorized minimum age for operation of a commercial unmanned aircraft system from age 17 to age 16, the same age as authorized under recently adopted federal rules (14 CFR Part 107, issued June 21, 2016)

PART VI. MAP ACT CHANGES

Funding of Map Act Claims.

Section 15 clarified how Map Act-related litigation damages and costs will be funded. This section provides that Map Act-related litigation damages and costs will be funded as follows:

- For projects covered by a map that are funded, or programmed to be funded, under STI, the funds will come from the tier under STI in which the project is funded.
- For projects covered by a map that were *not* funded, or are *not* programmed to be funded under STI, the funds will come from the regional allocation of funds under STI for the region of the project covered by the map.

One Year Moratorium on New Maps Under Map Act.

Section 16. This section places a one-year moratorium on the filing of any new transportation corridor official maps - from July 1, 2016 to July 1, 2017.

All Map Act Corridor Maps Rescinded.

Section 17 rescinds all transportation corridor official maps, and provides that all restrictions of those maps shall no longer apply to properties or portions of properties within the affected transportation corridors. This section also requires DOT to post notice of the rescission of the maps with specified city and county offices in affected jurisdictions, and on DOT's website.

Modification of DOT Condemnation Interest Rate.

Section 18 changes the rate of interest that DOT must pay on condemnation related judgments, from the current 8%, to the prime lending rate at the time of the talking, not to exceed 8%. This section is effective for causes of action filed on or after July 11, 2016

DOT Study of Process for Protecting Transportation Corridors.

Section 19 directs DOT to study the development of a process that equitably balances the interest of the State in protecting proposed transportation corridors from development, the property rights of affected landowners, and the taxpayers of the State. Beginning October 1, 2016, the Department is directed to report quarterly to the Joint Legislative Transportation Oversight Committee and the General Assembly on its progress in completing the study required under this section. By July 1, 2017, the Department is directed to submit a final report to the Joint Legislative Transportation Oversight Committee and the General Assembly detailing its findings and recommendations, including any legislative proposals.

EFFECTIVE DATE: Except as otherwise provided, this act is effective when it becomes law.

Other Transportation-related Bills

Use of Handicapped Parking by Partially Disabled Veterans

House Bill 256 authorizes a vehicle displaying a partially disabled veteran plate to park in designated handicapped parking spaces. It also allows a person to meet the certification and recertification requirements for a handicapped license plate or placard with a disability determination from the U.S. Department of Veterans Affairs.

American Indian Designation on Driver's License

House Bill 523 directs DMV to use the specific designation "AI" for American Indian driver's license applicants who request to have race designated on their driver's licenses.

MV Dealer Record Retention

House Bill 594 made technical changes to the law governing motor vehicle dealer record retention.

No Fee for DMV-issued ID Card for Persons with Developmental Disabilities

House Bill 1033 waives the \$13 fee for a DMV issued special ID card for persons who have developmental disabilities.

DMV Registration Block for Failure to Pay Size and Weight Civil Penalties

House Bill 1044, Sec. 4 authorizes DMV to refuse registration or issuance of title to vehicle owners who failed to pay civil penalties and fees incurred due to violations of size, weight, construction and equipment restrictions.

License Plate Agency Commission Contractor (LPA) Changes

Senate Bill 791 makes the following license plate agency commission contractor (LPA) related changes:

- It compensates an LPA for the removal of an incorrect inspection stop on a vehicle at a rate of \$1.30 per transaction.
- It provides that this transaction fee of \$1.30 is subject to be increased quadrennially for inflation.
- It directs DMV to study the issues with incorrect inspection stops on vehicles and the process by which data on federal vehicle inspections is entered into the system. DMV must submit its findings and recommendations to the Joint Legislative Transportation Oversight Committee by December 1, 2017.